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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,)	Case No. CR 23-112-BLG-SPW
Plaintiff,)	
vs.)	
RICHARD LEE ROGERS)	UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING AND DEADLINES
Defendant.)	

COMES NOW, the Defendant, Richard Lee Rogers (Richard), through counsel and respectfully requests an Order continuing the Sentencing Memoranda deadlines and the Sentencing Hearing in this matter by approximately 30 days. The United States, through Assistant United States Attorney Jeffrey Starnes, has no objection to this Motion.

Richard asserts as follows in support of this Unopposed Motion:

1. Richard was convicted at jury trial on October 2, 2024. Richard has remained on post-trial supervision following the jury trial.

Undersigned counsel understands that Richard remains compliant with the terms of his supervision.

2. The Court issued its *Order Setting Sentencing* on October 2, 2024. [Doc. 120].
3. The deadline to file Sentencing Memoranda is January 16, 2025. *Id.*
4. Sentencing in this matter is set to occur on January 31, 2025 at 9:30 a.m.
5. The Presentence Report (PSR) has been prepared. Richard's objections to the PSR are included as an *Addendum* to the PSR.
6. The defense requests additional time to prepare for a contested sentencing hearing. The United States is requesting a sentence of incarceration at the Sentencing Hearing. The file in this matter and the relevant information in this matter is substantial. Counsel was appointed to this matter post-trial. Counsel obtained a trial transcript in Order to familiarize himself with the case. Counsel asserts that additional time is necessary to ensure that the defense is prepared to proceed at sentencing. A relatively brief continuance is necessary to ensure that the defense is prepared for a sentencing hearing.
7. Undersigned counsel had to travel out of state, unexpectedly, last week and was unable to prepare a Sentencing Memoranda on behalf of Richard by January 16, 2025. Undersigned counsel traveled out of state to assist his father with a cancer surgery. The surgery was scheduled on short notice due to the urgency of the situation. Accordingly, undersigned counsel was out of the office and unable to prepare the Sentencing Memoranda.

8. Accordingly, the defense respectfully requests that the Sentencing Memoranda deadline, the sentencing witness deadline, and the sentencing hearing deadline be continued by approximately 30 days.
9. The United States of America, through Assistant United States Attorney Jeffrey Starnes has no objection to this Motion.

Accordingly, the Defendant respectfully requests that the Court continue the sentencing hearing and sentencing-related deadlines as set forth above.

DATED this 21st day of January, 2024.

/s/ DANIEL BALL
DANIEL BALL
Attorney for Defendant